

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PROPOSED AMENDED SCHEDULING ORDER

Original Date	Amended Date	Description
June 11, 2024		Deadline to add parties.
June 11, 2024	June 11, 2024	P.R. 3-4(a) document production to be served.
		To extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages.
June 11, 2024	June 21, 2024	P.R. 3-3 Invalidity Contentions (and P.R. 3-4(b) document production) to be served.
June 21, 2024		Parties to disclose whether they believe claim construction experts are needed.
June 21, 2024		Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).
June 25, 2024		Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).

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July 11, 2024		Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same (P.R. 4-2).
August 6, 2024		Parties' final amended pleadings. (A motion for leave is required.)
August 9, 2024		Joint Claim Construction and Prehearing Statement to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
August 27, 2024		Response to amended pleadings.
September 9, 2024		Completion date for discovery on claim construction (P.R. 4-4). Plaintiffs shall serve a Preliminary Election of Asserted Claims, which shall assert no more than ten claims from each patent and not more than a total of 32 claims.
September 23, 2024		Defendant shall serve a Preliminary Election of Asserted Prior Art, which shall assert no more than twelve prior art references against each patent and not more than a total of 40 references.
September 24, 2024		Opening claim construction brief (P.R. 4-5(a)).
October 11, 2024		Submit technology synopsis (both hard copy and disk).
October 8, 2024		Responsive claim construction brief (P.R. 4-5(b)).
October 15, 2024		Reply claim construction brief (P.R. 4-5(c)).
October 29, 2024		Parties to file joint claim construction and chart (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
November 8, 2024		Claim Construction Hearing at 9:00 am at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas.
January 6, 2025		Plaintiffs shall serve a Final Election of Asserted Claims, which shall identify no more than five asserted

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		claims per patent from among the ten previously identified claims and no more than a total of 16 claims.
January 17, 2025		Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations, and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court's order or that Patent Rules, nor an excuse to delay disclosure of information. It is a catchall deadline for provision of all remaining information that may be relevant to a claim or defense of any party at trial.
January 17, 2025		Fact Discovery deadline. All fact discovery must be served in time to be completed by this date.
January 31, 2025		<p>Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(2)(B).</p> <p>Objections to any expert, including <i>Daubert</i> motions, shall be filed within 3 weeks of the Expert Report disclosure. Such objections and motions are limited to ten pages.</p>
January 31, 2025		Comply with P.R. 3-7 on designation of willfulness opinions.
January 31, 2025		Defendant shall serve a Final Election of Asserted Prior Art, which shall identify no more than six asserted prior art references per patent from among the twelve prior art references previously identified for that particular patent and no more than a total of 20 references. For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference.
February 28, 2025		<p>Parties designate expert witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B).</p> <p>Objections to any expert, including <i>Daubert</i> motions, shall be filed within 3 weeks of the Expert Report</p>

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		disclosure. Such objections and motions are limited to ten pages.
March 14, 2025		Expert Discovery deadline. All expert discovery must be served in time to be completed by this date.
March 14, 2025		Deadline to file dispositive motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rules CV-7. Responses to motions shall be due in accordance with Local Rule CV-7(e).
30 days after entry of the claim construction order		Mediation deadline.
April 30, 2025		The parties will meet and confer to discuss further reducing the number of asserted claims and prior art references.
June 27, 2025		Notice of intent to offer certified records.
June 27, 2025		Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (See www.txed.uscourts.gov) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases)).
July 2, 2025		Deposition Designations due. Each party who proposes to offer a deposition shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those that cannot be resolved shall be presented to the court. The party who served the initial Video Deposition Designation is responsible for preparation of the final

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		edited video in accordance with all parties' designations and the court's rulings on objections.
July 2, 2025		<p>Motions in limine due.</p> <p>File Joint Final Pretrial Order (<i>See www.txed.uscourts.gov</i>). Exchange Exhibits and deliver copies to the court. At this date, all that is required to be submitted to the court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.</p> <p>If Parties will be requesting daily copy of the transcript during trial, they must notify the Court's court reporter, Chris Bickham, Chris_Bickham@txed.uscourts.gov by this date.</p>
July 18, 2025		<p>Responses to motions in limine due.</p> <p>File objections to witnesses, depositions extracts, and exhibits, listed in pre-trial order. This does not extend the deadline to object to expert witnesses. If numerous objections are filed, the court may set a hearing prior to docket call.</p> <p>File Proposed Jury Instructions and Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).</p>
August 1, 2025		Final Pretrial Conference at 9:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.
TBD		Jury selection and trial at 10:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.